

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 22, 2003**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,  
Deputy Clerk.

Each of the following:

B153580 People v. Ingram  
B157618 People v. Moraga  
B158775 People v. Moreland  
B159384 People v. Sierra  
B159677 People v. Escalante  
B159691 People v. Garcia, Uriel  
B160080 People v. Mendias  
B160375 People v. Garcia, Andres  
B160418 People v. Golden  
B160661 People v. Barnes  
B160722 People v. Zavala  
B160779 People v. Nungaray  
B161304 People v. Lewis  
B161655 People v. Goodley  
B161714 DCFS v. Jesus S. & Maria S.  
B161830 People v. Hankins  
B161973 DCFS v. Thomas S.  
B162511 People v. Gilliam  
B162666 DCFS v. Marsha H. & Evan M.  
B163251 People v. Timothy W.  
B164085 DCFS v. Christopher B.

Argument waived, cause submitted.

DIVISION ONE (Continued)

B165126 Robles  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

Merits:  
Argued by Michael E. Goodman for petitioner and by William Wood,  
Deputy District Attorney, for real party in interest waived oral argument.  
Cause submitted.

Ortega, J. leaves the bench.

B162982 People  
B164339 v.  
Crawford

Merits:  
Argued by Matthew Monforton, Deputy District Attorney, for  
appellant/respondent the People and by Adam Axelrad for  
respondent/appellant Crawford. Cause submitted.

B161186 Soldo  
v.  
City of Los Angeles, et al.

Merits:  
Argued by Diane Marchant for appellant and by Matthew St. George, Jr.  
for respondents. Cause submitted.

B161608 People  
v.  
Martinez

Merits:  
Argued by Laurance Smith for appellant and by Jennifer A. Jadovitz,  
Deputy Attorney General, for respondent. Cause submitted.

Ortega, J. returns to the bench.

July 22, 2003 (Continued)

DIVISION ONE (Continued)

Mallano, J. leaves the bench.

B157855     Sutovsky et al.  
              v.  
              Mercedes-Benz USA, Inc.

Merits:  
Argued by Alan J. Sutovsky, appellant in propria persona and by Ronald F. Frank for respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

B160984     Synolakis  
              v.  
              Watts

Merits:  
Argued by Larry J. Zerner for appellant and by Michael J. Nunez for respondent. Cause submitted.

Ortega, J. returns to the bench.

B158483     Astalis  
              v.  
              Hsu

Merits:  
Argued by John Astalis, appellant in propria persona and by Lee B. Ackerman for respondent. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B162076     People  
              v.  
              Godoy  
              Herrera

Merits:

Argued by Jeffrey A. Needelman for appellant Godoy, by Jill D. Lansing for appellant Herrera and by David E. Madeo, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J. returns to the bench

Spencer, P.J. leaves the bench.

B159210     People  
              v.  
              Silas

Merits:

Argued by Christopher Hawthorne for appellant and by Theresa A. Cochran, Deputy Attorney General, for respondent. Cause submitted.

Spencer, P.J. returns to the bench.

Mallano, J. leaves the bench.

B160853     Hussey-Head  
              v.  
              World Savings and Loan Association

Merits:

Argued by Laura Boudreau for appellant and by Cheryl A. Orr for respondent. Cause submitted.

Court adjourned.

## DIVISION ONE (Continued)

B160661      People                                  (Not for Publication)  
v.  
Johnny Barnes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B167380      Cristina C.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B156913      Kelikupa Tuione      (Not for Publication)  
v.  
Roger O'Neal

The judgment is reversed insofar as it provides that O'Neal is liable directly for 30 percent of Tuione's injuries. That portion of the judgment awarding Pohjola \$100,500 for equitable indemnity on his cross-complaint against O'Neal also is reversed. On remand, any retrial is limited to the reapportionment of fault amongst plaintiff, Pohjola, Roberts and Tuione. In all other respects, the judgment, which includes the jury's finding that plaintiff sustained gross economic damages in the amount of \$160,000 and gross non-economic damages in the amount of \$175,000, is affirmed. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

DIVISION ONE (Continued)

B159958      Alfredo Guerra                      (Not for Publication)  
                 v.  
                 Brian Terry

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur:    Ortega, J.  
                 Vogel (Miriam A.), J.

B161246      Charisse Maria Chin                      (Not for Publication)  
                 v.  
                 University of Southern California

The judgment is reversed. The trial court is directed to enter a new and different order, granting defendant summary adjudication of the products liability cause of action and denying summary adjudication of the remaining causes of action. Plaintiff is to recover costs on appeal.

Spencer, P.J.

I concur:        Vogel (Miriam A.), J.  
I concur in the judgment only:    Ortega, J.

B155804      Kaufman, et al.                      (Certified for Publication)  
B156082      v.  
                 ACS Systems, Inc. et al.

The judgment from which the appeals are taken is reversed. Appellants to recover costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

## DIVISION THREE

B164304 People (Not for Publication)  
v.  
Clark

The appeal is dismissed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

## DIVISION FOUR

B159077 People (Not for Publication)  
v.  
Jeffries

The judgment is affirmed. The matter is remanded for sentencing with regard to count 2.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B164928 People (Not for Publication)  
v.  
Romero

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

DIVISION FOUR (Continued)

B156817     Lee  
              v.  
              ENPC Technology USA

Filed order denying petition for rehearing.

B153423     People  
              v.  
              Damion A.

Filed order denying petition for rehearing.

DIVISION FIVE

B159256     Department of Health Services     (Not for Publication)  
              v.  
              Nathaniel Friedman, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                  Grignon, J.

DIVISION SIX

B159220     People                                     (Not for Publication)  
              v.  
              Course

The judgment is affirmed.

Coffee, J.

We concur:    Yegan, Acting P.J.  
                  Perren, J.



July 22, 2003 (Continued)

## DIVISION SIX (Continued)

B164686 Lopez (Not for Publication)

V.

California Department of Insurance, et al.

The judgment and order denying the petition for relief are affirmed. Costs on appeal are awarded to respondents.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B160382 People (Not for Publication)

V.

Prieto

The convictions are affirmed. The sentence is vacated and the case is remanded for resentencing consistent with the views set forth in this opinion.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B59761 People (Not for Publication)

V.

Torres

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

July 22, 2003 (Continued)

## DIVISION SIX (Continued)

B160619      Navarro      (Not for Publication)  
v.  
Navarro

The judgment is affirmed. Costs on appeal are awarded to wife.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B156035      People  
v.  
Ludaescher

Filed order denying petition for rehearing.

B154641 People  
v.  
Lee & Austin

Filed orders denying petitions for rehearing.

## DIVISION EIGHT

B160062 People (Not for Publication)  
v.  
Holroyd

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

DIVISION EIGHT (Continued)

B162520 People (Not for Publication)  
v.  
Ochoa

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B161231 People (Not for Publication)  
v.  
Goldberg

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B162923 People (Not for Publication)  
v.  
Chachava

The appeal is dismissed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

July 22, 2003 (Continued)

DIVISION EIGHT (Continued)

B160131      State Compensation Insurance Fund      (Not for Publication)

v.

Workers Compensation Appeals Board

California Ins. Guarantee Association et al., Respondent

The Board's order denying reconsideration is annulled. The matter is remanded for hearing and the taking of further evidence in accordance with this opinion.

Boland, J.

We concur:    Cooper, P.J.  
                     Rubin, J.